

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FIDELITY BROKERAGE SERVICES LLC,

Plaintiff,

v.

MARSHALL CARO, WALTER RAQUET,
INDII.COM USE LLC, AND BILL ROTHFARB,

Defendants.

10 CIV 5893 (BSJ) (RLE)

**NOTICE OF APPLICATION FOR
ATTORNEYS' FEES AND COSTS**

PLEASE TAKE NOTICE that pursuant to the Court's December 16, 2010 Order, and upon the annexed affidavit of Michael G. Shannon, sworn to on December 30, 2010, and upon the exhibits attached thereto, the accompanying Memorandum of Law in support of this application, and the pleadings herein, plaintiff Fidelity Brokerage Services LLC ("Fidelity") will move this Court, before the Honorable Barbara S. Jones, United States District Judge, for an order pursuant to 28 U.S.C. §§ 1335 and 2361 granting Fidelity its attorneys' fees and costs related to this action.

DATED: New York, New York
December 30, 2010

THOMPSON HINE LLP

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Fidelity Brokerage Services LLC*

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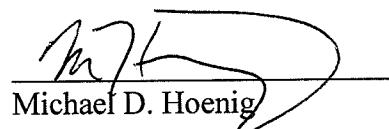
CERTIFICATE OF SERVICE

I certify under penalty of perjury that on the 30th day of December, 2010, a true and correct copy of Plaintiff Fidelity Brokerage Services LLC's Application for Attorneys' Fees and Costs was served via the Court's Electronic Filing system on the parties below:

Evan Stone Rothfarb, *Counsel for defendant Bill Rothfarb*
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Michael D. Hoenig